

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER R-10-004

Relating to the Rulemaking to Consider Amendments to the Current Regulations for Small Off-Road Engines

WHEREAS, on November 20, 2008, the Air Resources Board (ARB or Board) conducted a public hearing to consider amendments to the current regulations for small off-road engines, as set forth in the Initial Statement of Reasons released to the public on October 3, 2008;

WHEREAS, following the public hearing on November 20, 2008, the Board adopted Resolution 08-41 in which the Board approved sections 2403, 2405, 2406, 2408, and 2409, title 13, California Code of Regulations as set forth in Attachment A-1 thereto, and the "California Exhaust Emission Standards and Test Procedures for 2005 and Later Small Off-Road Engines" as set forth in Attachment A-2 thereto;

WHEREAS, on September 8, 2009, ARB submitted the rulemaking package to the Office of Administrative Law (OAL) for review in accordance with the California Administrative Procedure Act (APA);

WHEREAS, on October 27, 2009, the OAL issued a decision of disapproval for the regulatory action;

WHEREAS, modifications to the approved regulations were made in order to correct the deficiencies specified in the Decision of Disapproval by the OAL;

WHEREAS, the modifications were made available for a 15-day comment period starting February 4, 2010, in accordance with the provisions of section 44, title 1, CCR, with the modifications clearly indicated; and

WHEREAS, two comments were received during the 15-day comment period and those comments have been considered by the Executive Officer.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 08-41 are incorporated by reference herein.

IT IS FURTHER ORDERED that California Code of Regulations, title 13, sections 2403, 2405, 2406, 2408, and 2409, and the incorporated "California Exhaust Emission Standards and Test Procedures for 2005 and Later Small Off-Road Engines," are adopted as set forth in Attachments 1 and 2 hereto.

Executed this 24th day of February 2010, at Sacramento, California.

/s/

James N. Goldstene
Executive Officer

Attachments